

Gun Show Background Check Act of 2011

At thousands of gun shows every year, people are able to purchase firearms without going through a background check. Under the federal Brady Act, Federal Firearms Licensees (FFLs) are required to check the purchaser's background with the FBI's National Instant Criminal Background Check System (NICS) before transferring any firearm. However, a person does not need a federal firearms license—and the Brady Act does not apply—if the person is not “engaged in the business” of selling firearms pursuant to federal law. These non-licensees make up one quarter or more of the sellers of firearms at gun shows. Consequently, felons, the severely mentally ill, and other prohibited persons who want to avoid Brady Act checks and records of their purchases are able to buy firearms at gun shows. The Gun Show Background Check Act of 2011 will close this loophole in our federal gun laws.

The Gun Show Background Check Act of 2011 is virtually identical to the Lautenberg amendment passed by the Senate in the 106th Congress as part of the Juvenile Justice bill. The legislation would take several steps to make gun show transactions safer for all Americans:

- **DEFINITION OF GUN SHOWS:** Gun shows are defined to include any event at which 50 or more firearms are offered or exhibited for sale. This definition includes not only those events where firearms are the main commodity sold, but also other events where a significant number of guns are sold, such as flea markets or swap meets.
- **GUN SHOW PROMOTERS:** Gun show promoters would be required to register with the Bureau of Alcohol, Tobacco, and Firearms (ATF), maintain a list of vendors at all gun shows, and ensure that all vendors acknowledge receipt of information about their legal obligations.
- **BACKGROUND CHECKS FOR ALL TRANSACTIONS:** The bill requires that all firearms sales at gun shows go through a Federal Firearms Licensee (FFL). If a non-licensed person is selling a weapon, they would use an FFL at the gun show to complete the transaction. The FFL would be responsible for conducting a Brady check on the purchaser and maintaining records of the transaction.
- **IMPROVED FIREARM TRACING:** FFLs would be required to submit information about guns transferred at gun shows to the Department of Justice (DOJ) and that information could facilitate tracing by the ATF's National Tracing Center (NTC). However, no personal information about either the seller or the purchaser would be given to the DOJ or ATF. Instead, as under current law, FFLs would maintain this information in their files. The NTC would request this personal information from an FFL only in the event that a firearm subsequently becomes the subject of a law enforcement trace request.

A January 2011 bipartisan national survey found that 89 percent of Americans support closing the gun show loophole.